

Message Text

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ACTION SNM-05

INFO OCT-01 ARA-10 ISO-00 L-03 CA-01 PPT-01 DEAE-00
CG-00 DOTE-00 DLOS-09 OES-09 JUSE-00 CIAE-00
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 1411

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E.O. 11652: N/A
TAGS: SNAR, GT
SUBJECT: US COAST GUARD EFFORTS TO SUPPRESS DRUG TRAFFICKING

REF: (A) STATE 128500, (B) STATE 170187, (C) GUATEMALA 4378

1. POLITICAL OFFICER CALLED ON DIRECTOR OF FOREIGN MINISTRY'S LEGAL DEPARTMENT, DR. LUIS AYCINENA SALAZAR, AUGUST 23 TO FAMILIARIZE AYCINENA WITH COAST GUARD EFFORTS AND TO PAVE WAY FOR COLLABORATION SHOULD A GUATEMALAN-FLAG VESSEL BE TARGETTED FOR COAST GUARD SEIZURE ON HIGH SEAS. AYCINENA WAS RECEPTIVE AND SAW NO INSURMOUNTABLE LEGAL OR BUREAUCRATIC OBSTACLES. HE CONFIRMED OUR IMPRESSION THAT REQUESTS TO VERIFY A VESSEL'S CLAIMED NATIONALITY AS WELL AS BOARDING, LAW ENFORCEMENT, AND SEIZURE ACTIONS SHOULD BE FUNNELLED THROUGH FOREIGN MINISTRY, WHICH IN TURN WOULD DEAL WITH THE OTHER CONCERNED GOG MINISTRIES -- DEFENSE AND GOVERNMENT. HE SEEMED TO APPRECIATE NEED FOR QUICK REACTION BY GOG AND WELCOMED IDEA OF VISIT BY USG TECHNICAL TEAM TO WORK OUT STANDING PROCEDURES.

2. AYCINENA CONFIRMED OUR UNDERSTANDING THAT GUATEMALAN LAW IS SILENT ON SUBJECT OF GOG AUTHORITY TO
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BOARD, SEARCH, SEIZE AND FORFEIT GUATEMALAN-FLAG VESSELS FOUND ON HIGH SEAS. GUATEMALAN LAW DOES ADDRESS LAW ENFORCEMENT JURISDICTION WITH RESPECT TO VESSELS WITHIN GUATEMALAN WATERS, BUT EMBASSY ASSUMES THIS IS NOT WHAT DEPARTMENT HAD IN MIND WHEN LEVYING REQUESTS FOR INFORMATION. AYCINENA SAID HE THOUGHT THE 1958 LOS CONVENTION, TO WHICH GUATEMALA IS A

PARTY, WAS THE ONLY BODY OF RELEVANT LAW ADDRESSING QUESTION OF SEIZURES, ETC., ON THE HIGH SEAS, WITH POSSIBLE EXCEPTION OF INFERENCES DERIVED FROM THE CODE OF CRIMINAL PROCEDURE.

3. WE ARE TRANSMITTING BY AIRGRAM MARKED FOR L/OES' ATTENTION SAMPLE OF GUATEMALAN VESSEL REGISTRATION PAPERS. DEPARTMENT SHOULD UNDERSTAND THAT WITH EXCEPTION OF REGISTRY MAINTAINED BY MINISTRY OF AGRICULTURE FOR FISHING VESSELS, THERE IS NO CENTRAL REGISTRY OF GUATEMALA-FLAG SHIPPING. EACH PORT COMMANDANT (I.E., AT PUERTO BARRIOS, SANTO TOMAS DE CASTILLA, LIVINGSTON, SAN JOSE, CHAMPERICO AND OCOS) MAINTAINS OWN REGISTRY. THIS CIRCUMSTANCE WILL DOUBTLESS DELAY FLAG VERIFICATION. WE HAVE THUS FAR NOT BEEN ABLE TO OBTAIN SAMPLE OF SEAMAN'S PAPERS.

4. ACTION REQUESTED. REF A INDICATES THAT GUATEMALA IS ONE OF THOSE COUNTRIES WHOSE FLAG IS MOST OFTEN FOUND FLYING ON TRAFFICKING VESSELS. THIS ASSERTION PUZZLES US (AND DR. AYCINENA) SINCE IT IS OUT IMPRESSION THAT NUMBER OF OCEAN-GOING VESSELS REGISTERED IN QUATEMALA IS QUITE SMALL, AND WE RECALL NO SEIZURES. WE WOULD APPRECIATE ANY STATISTICAL AMMUNITION DEPARTMENT CAN PROVIDE WHICH MAY ADD FORCE TO FURTHER DISCUSSIONS WITH GOG ON THIS SUBJECT. BOSTER
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